

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

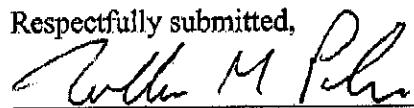
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CITIBANK, N.A., AS TRUSTEE, )  
Plaintiff, )  
v. ) Civil Action No. 4:05-CV-40045-FDS  
JOHN P. PHELAN, WENDY M. PHELAN, )  
THE UNITED STATES OF AMERICA, )  
O'CALLIGHAN CONSTRUCTION )  
COMPANY, AND THE )  
COMMONWEALTH OF )  
MASSACHUSETTS' DEPARTMENT OF )  
REVENUE )  
Defendants, and )  
DAVID LA BRIE, )  
Defendant and Cross-Claimant )

Defendant and Cross-Claimant David La Brie's Certification

The undersigned confirm that Mr. La Brie and his counsel have conferred (1) with a view to establishing a budget for the costs of conducting the full course — and various alternative courses — for the litigation; and (2) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,



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ATTORNEY FOR DEFENDANT AND  
CROSS-CLAIMANT DAVID LA BRIE



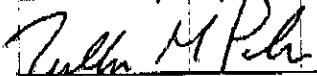
8/26/05

David La Brie

DEFENDANT AND CROSS-CLAIMANT

### CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document was served by first-class mail on this 24<sup>th</sup> day of August on David M. Rosen, Esq.; Harmon Law Offices, P.C.; 150 California Street; Newton, MA; 02458, and on John J. Curley, Esq.; McEvilly & Curley; 48 West Street; Leominster, MA; 01453.



WILLIAM M. PALMER



8/24/05

DATED